



3/28/06

MESSAGES FROM THE HOUSE

SB 599 (George)

Senate Bill 599 would amend the Single Business Tax Act to do the following: Establish procedures and criteria to be used by the Michigan Economic Growth Authority in approving a project for which the total credits would be \$200,000 or less (i.e., a project of \$2 million or less); and allow MEGA to approve up to 100 of these projects per year. Require the MEGA chairperson, or a designee, to approve or deny a credit for a project of \$2 million or less within 45 days of receiving the application. For projects of \$2 million or less, require the State Tax Commission to review assessors' affidavits that property was functionally obsolete and to provide a written statement that it agreed with an assessor's opinion. Allow MEGA annually to approve one project, rather than three projects, with credits between \$10 million and \$30 million. Allow any qualified taxpayer to assign all or a portion of a MEGA-approved tax credit. Delete a provision allowing MEGA to consider criteria not listed in the Act in determining whether a project is eligible for tax credits. Limit MEGA's on-site inspections to projects that cost more than \$10 million.

- The Senate concurred with the House amendments to SB 599 [RC 183: 34 yes, 2 no].

SB 859 (Cassis)

Senate Bill 859 would amend the General Property Tax Act to allow a totally and permanently disabled sole beneficiary of a trust to receive a homestead or qualified agricultural property exemption if the trust purchased or acquired the property as a principal residence for the beneficiary. A disabled individual's primary residence is sometimes owned by a trust established for his or her benefit. Despite the fact that such trusts are often set up to benefit a disabled individual who is unable to manage his or her financial affairs, the General Property Tax Act does not recognize the disabled individual as an "owner" for the purpose of the homestead exemption. Reportedly, requiring a trust to pay the 18 mills levied by local school districts on property purchased for the benefit of a disabled beneficiary causes many of the trusts financial hardship. The bill would ease the financial burden on the trusts by granting the disabled beneficiary the same homestead exemption available to other property owners for their principal residence.

- The Senate concurred with the House amendments to SB 859 [RC 184: 38 yes, 0 no].

HB 4643 (Jones)

House Bill 5643 would extend a concealed pistol license for up to 180 days if its renewal or denial were not completed in 60 days.

- The Senate concurred with the House amendments to HB 4643 [RC 185: 33 yes, 5 no].

BUDGETS

SB 1082 (SWITALSKI)

Fiscal Year 2006-07 Community Colleges Budget

- Prusi 1a was adopted.
- Committee S-1 was adopted.
- SB 1082 was moved to 3rd Reading of Bills.
- SB 1082 passed with IE [RC 186: 36 yes, 2 no].

SB 1083 (CHERRY)

Fiscal Year 2006-07 Community Health Budget

- Cherry 1a was not adopted.
- Van Woerkom 1b was withdrawn.
- Clarke 1c was adopted.
- Van Woerkom 1d was adopted.
- Cherry 1e was not adopted.
- Committee S-1 was adopted.
- SB 1083 was moved to 3rd Reading of Bills.
- Clarke 1 was not adopted [no RC].
- Cherry 2 was not adopted [RC 187: 15 yes, 20 no]. (departmental will have to issue report show cuts to general fund spending by 20.0% if SBT tax is enacted)
- SB 1083 passed with IE [RC 188: 33 yes, 5 no].

SB 1085 (SCOTT)

Fiscal Year 2006-07 Dept of Education Budget

- Switalski 1a was adopted.
- Committee S-1 was adopted.
- SB 1085 was moved to 3rd Reading of Bills.
- SB 1085 passed with IE [RC 189: 38 yes, 0 no].

FINAL PASSAGE

SB 709 (Stamas)

SB 717 (Toy)

SB 718 (Gilbert)

Senate Bill 709 would amend the Michigan Penal Code to require a sentence of life imprisonment without parole for first-degree criminal sexual (CSC) if all of the following circumstances were met: The victim was under 13 years of age. The offender was at least 17 years old. The offender previously had been convicted of first-, second-, third-, or fourth-degree CSC or assault with attempt to commit CSC, or a substantially conforming law of the United States, another state, or a political subdivision of another state, when he or she was at least 17 and the victim was under 13.

- *Committee S-3 was adopted*
- *SB 709 was moved to 3rd Reading of Bills.*
- **SB 709 passed with IE [RC 194: 36 yes, 0 no].**

Senate Bill 717 would amend the Code of Criminal Procedure to exclude from the sentencing guidelines classification for first-degree criminal sexual conduct (CSC) prisoners who were sentenced to life without parole for first-degree CSC involving a victim under 13 of age and a repeat offender at least 17 years old (as Senate Bill 709 (S-3) would require).

- *Committee S-1 was adopted.*
- *SB 717 was moved to 3rd Reading of Bills.*
- **SB 717 passed with IE [RC 195: 36 yes, 0 no].**

Senate Bill 718 would amend the Corrections Code to provide that prisoners sentenced to life without parole for first-degree CSC or for certain other offenses would not be eligible for parole. Under the Corrections Code, a prisoner sentenced to life imprisonment generally is subject to the jurisdiction of the parole board after either 10 or 15 years, depending on the date of the crime. This provision excludes a prisoner sentenced for life for particular violations, each of which is punishable by life imprisonment without parole; the bill would delete this language.

- *Committee S-1 was adopted.*
- *SB 718 was moved to 3rd Reading of Bills.*
- **SB 718 passed with IE [RC 196: 36 yes, 0 no].**

SB 1122 (Sanborn)

Senate Bill 1122 would amend the Corrections Code to specify that, if a parolee convicted of first- or second-degree criminal sexual conduct (CSC), other than a parolee subject to lifetime electronic monitoring under Section 85 of the Code, were placed on parole, the parole board could require that the parolee be subject to electronic monitoring. The electronic monitoring would have to be conducted in the same manner, and be subject to the same requirements, as

described in Section 85 and in Section 520n of the Michigan Penal Code, except that the electronic monitoring would have to continue only for the duration of the term of parole and a violation by the parolee of any of the requirements specified in Section 520n would be a violation of a condition of parole, not a felony violation.

- *Committee S-1 was adopted.*
- *SB 1122 was moved to 3rd Reading of Bills.*
- **SB 1122 passed with IE [RC 197: 36 yes, 0 no].**

SB 1146 (Cropsey)

SB 1147 (Van Woerkom)

Senate Bill 1146 would amend the Michigan Penal Code to prescribe criminal penalties for knowingly or willfully concealing, or harboring for the purpose of concealment, a person who was subject to an arrest warrant or a bench warrant; and to increase the maximum penalty for concealing or harboring an escapee from custody. Under the Code, it is a misdemeanor for a person knowingly or willfully to conceal, or harbor for the purpose of concealment, a person who has escaped or is escaping from lawful custody. The penalty is up to 90 days' imprisonment, a maximum fine of \$500, or both. The bill would increase the maximum term of imprisonment to 93 days.

- *Committee S-1 was adopted.*
- *SB 1146 was moved to 3rd Reading of Bills.*
- **SB 1146 passed with IE [RC 198: 36 yes, 0 no].**

Senate Bill 1147 would amend the Code of Criminal Procedure to specify that harboring a person for whom a felony warrant had been issued would be a Class F felony against the public safety, with a statutory maximum sentence of four years' imprisonment. The bill is tie-barred to Senate Bill 1146.

- *SB 1147 was moved to 3rd Reading of Bills [no amendments].*
- **SB 1147 passed with IE [RC 199: 38 yes, 0 no].**

HB 5256 (Proos)

House Bill 5256 would amend the Insurance Code to specify that an insurance company could refuse to renew a medical malpractice insurance policy only by mailing a written notice to the insured at least 60 days in advance.

- *HB 5256 was moved to 3rd Reading of Bills [no amendments].*
- **Jacobs 1 was not adopted. (Ruled not Germane) Ruling of the Chair is the decision of the body. [RC 190: 22 yes, 16 no].**
- **Clark 2 was not adopted. (Ruled not Germane) Ruling of the Chair is the decision of the body. [RC 191: 22 yes, 16 no].**
- **HB 5256 passed with IE [RC 192: 35 yes, 0 no].**

HB 5497 (Hune)

House Bill 5497 would amend the Insurance Code to waive continuing education requirements for an insurance agent licensed to write only limited line credit insurance whose employment is for a purpose other than the sale of those policies (e.g., employees of lending institutions). By providing an exemption from continuing education requirements for these individuals, according to OFIS, the bill would put the state's Insurance Code in compliance with NAIC standards for continuing education and would reduce a regulatory burden on those selling the product.

- *HB 5497 was moved to 3rd Reading of Bills [no amendments].*
- **HB 5497 passed with IE [RC 193: 36 yes, 0 no].**

THIRD READING OF BILLS

SB 1115 (George)

Senate Bill 1115 would create a new act to require the Michigan Department of State Police (MSP), upon receiving a notice of the discovery of a methamphetamine laboratory pursuant to the proposed "Methamphetamine Reporting Act", to post on the MSP's internet website the location of the methamphetamine laboratory and the name of the law enforcement agency or other agency reporting the lab's existence. The MSP would have to keep the information posted under the bill current, and include in that information a statement as to whether the remediation of each lab site had been completed according to standards established by the Department of Community Health (DCH).

- **SB 1115 was moved to 3rd Reading of Bills [no amendments].**

SB 1116 (Hardiman)

Senate Bill 1116 would amend the Child Protection Law to require reporting and investigation by the Department of Human Services (DHS) and law enforcement agencies if a report or investigation of child abuse indicated a drug lab violation involving methamphetamine (meth) in violation of Section 7401c of the Public Health Code, or if there were evidence that an individual was allowing a child to be exposed to or have contact with meth production. The bill also would require the DHS would have to submit a petition for authorization by the family court under Section 2(b) of the juvenile code, within 24 hours after determining that a child was allowed to be exposed to or have contact with meth production. (Section 2(b) of the juvenile code gives the Family Division of the Circuit Court jurisdiction over cases involving juveniles under the age of 18 in cases in which the parent or legal guardian neglects, refuses, or fails to provide proper care for the juvenile, or in which the juvenile's home or environment is unfit.)

- **Committee S-1 was adopted.**
- **SB 1116 was moved to 3rd Reading of Bills**

SB 1117 (Gilbert)

Senate Bill 1117 would amend the Child Protection Law to require the Department of Human Services (DHS) to refer a central registry case to the prosecuting attorney if it involved a child's exposure to or contact with methamphetamine production,. The bill also would require the prosecuting attorney to review the investigation of the case to determine whether it complied with the protocol adopted as required by Section 8 of the Law. The Child Protection Law (CPL) requires certain professionals to report to the DHS if they have reasonable cause to suspect child abuse or neglect. The DHS and law enforcement agencies are subject to reporting and investigation requirements under the Law. The CPL also requires the DHS to maintain a statewide, electronic central registry to carry out the intent of the Law.

- **SB 1117 was moved to 3rd Reading of Bills [no amendments].**

SB 1119 (Van Woerkom)

Senate Bill 1119 would amend the Revised Judicature Act (RJA) to authorize the Attorney General to commence an action against a person who developed or maintained a website, or a page on a website, for the purpose of publishing instructions for the manufacture or creation of methamphetamine or information on how to obtain substances that could be used in the manufacture or creation of methamphetamine. In an action brought under the bill, the court could order one or more of the following forms of relief: Injunctive or other equitable relief, as appropriate. Actual damages sustained by the State, or its residents, that were caused by the publication. Punitive damages that the court determined were just and equitable. Actual attorney fees and costs. The bill specifies that it would not apply if the published information were only on how to obtain substances that could be lawfully possessed in Michigan and the purpose of the website were to provide information on obtaining the substances only for lawful purposes and in a lawful manner.

- **SB 1119 was moved to 3rd Reading of Bills [no amendments].**

SB 1120 (Goschka)

Senate Bill 1120 would amend Public Act 185 of 1957, which allows counties to establish departments of public works, to increase from 30 to 40 the maximum number of annual installments of a special assessment. Under the Act, a county establishing a department of public works may acquire, improve, and operate a water supply system, sewage disposal system, refuse system, or erosion control system, or make lake improvements. The county may finance these activities by various methods specified in the Act, including the issuance of bonds in anticipation of special assessment payments. The Act also allows a county and one or more municipalities to enter into a contract for public works projects; a municipality may pay all or part of its share of the cost by assessing the benefited land.

- **SB 1120 was moved to 3rd Reading of Bills [no amendments].**

RESOLUTIONS/ADVISE AND CONSENT

SR 66 (Allen)

A resolution to express support for the efforts of the Department of History, Arts, and Libraries, the State Historic Preservation Office, and Presque Isle Township to reinstall the historic Fresnel Lens in the Presque Isle Lighthouse Tower.

- SR 66 was adopted [no RC].

SR 103 (Stamas)

A resolution to urge the Department of Natural Resources to work with the federal government and neighboring states to implement the most aggressive means of controlling the double-crested cormorant population pursuant to authority extended by the United States Fish and Wildlife Service.

- SR 103 was adopted [no RC].

Advise and Consent

Advise and Consent on the appointment of Donald Coe to the Agriculture Commission.

- The Senate approved the appointment of Donald Coe to the Agriculture Commission [RC 182: 26 yes, 0 no].